

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

KHAMPHEUY NAVONG,

Plaintiff,

v.

HOME DEPOT U.S.A, INC., et al.,

Defendants.

Case No. 1:22-cv-01526-SAB

ORDER RE STIPULATION TO REMAND  
REMOVED ACTION

(ECF No. 14)

Plaintiff initiated this action in the Tulare County Superior Court on October 19, 2022, entitled Khampheuy Navong v. Home Depot U.S.A., Inc., et al., Case No. VCU293830. On November 23, 2022, Defendants removed the action to federal court. An initial scheduling conference is currently set for March 28, 2023. (ECF No. 11.) On January 17, 2023, Plaintiff filed a motion to amend. (ECF No. 9.)

Currently before the Court is the parties' stipulation to remand this action to the Tulare County Superior Court, filed on January 30, 2023.<sup>1</sup> (ECF No. 14.) The parties stipulate that any employees involved in the incident were acting in the course and scope of their employment at the time of the incident and that Plaintiff will not sue any current or former Home Depot employees. The parties further stipulate that, upon remand, Plaintiff will dismiss the proposed amendment to the complaint and will not add any other party to the complaint prior to conducting discovery in this action. Finally, the parties stipulate to bear their own attorney's

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<sup>1</sup> The parties have consented to the jurisdiction of the United States Magistrate Judge and this action has been assigned to Magistrate Judge Stanley A. Boone for all purposes. (ECF Nos. 16, 18, 19.)

1 fees and costs with respect to the removal and subsequent remand of this action.

2 Accordingly, pursuant to the stipulation of the parties and good cause appearing, IT IS  
3 HEREBY ORDERED that:

- 4 1. This action is REMANDED to Tulare County Superior Court, Case No.  
5 VCU293830;
- 6 2. The motion to amend (ECF No. 9) is deemed WITHDRAWN; and
- 7 3. All pending matters and dates are VACATED.

8  
9 IT IS SO ORDERED.

10 Dated: **January 31, 2023**

  
UNITED STATES MAGISTRATE JUDGE